



## RESOLUTION

TO RETAIN THE SERVICES OF THE LAW OFFICE OF CARY T. TANAKA AS SPECIAL COUNSEL TO REPRESENT JOSEPH BECERA IN A LEGAL ACTION ENTITLED FRANCISCO FRANSON AND JORDON TOPINIO V. CITY AND COUNTY OF HONOLULU, ET AL., CIVIL NO. CV16-00096 DKW-KSC

WHEREAS, Joseph Becera ("Becera"), a former reserve police officer with the Honolulu Police Department ("HPD") is named in his official and individual capacity as a defendant in a civil lawsuit entitled Francisco Franson, et al. v. City and County of Honolulu, et al., CV16-00096 DKW-KSC ("Franson Lawsuit"); and

WHEREAS, pursuant to Section 52D-8 of the Hawai'i Revised Statutes, "[w]henever a police officer is ... sued in a civil action for acts done in the performance of the officers duty as a police officer, the police officer shall be represented and defended..."; and

WHEREAS, the Department of Corporation Counsel currently represents the City and County of Honolulu in the Franson Lawsuit; and

WHEREAS, the Department of Corporation Counsel has determined that there is a non-waivable conflict of interest which would preclude it from simultaneously representing both the City and County of Honolulu and Becera in the Franson Lawsuit; and

WHEREAS, pursuant to RCH Section 5-204, "[w]here the corporation counsel has been disqualified, special counsel may be retained by any officer or employee in matters relating to the official powers and duties of such officer or employee[;]" and

WHEREAS, based upon the foregoing, it is necessary to appoint and retain special counsel to represent and defend Becera in the Franson Lawsuit; and

WHEREAS, the Law Office of Cary T. Tanaka possesses the specialized legal knowledge and expertise to defend Becera as Special Counsel in this lawsuit; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that:

1. Pursuant to RCH Section 5-204, the City Council authorizes the appointment and retention of the Law Offices of Cary T. Tanaka as Special Counsel to represent Joseph Becera in the defense of, and any appellate proceedings arising out of, the above-referenced matter;



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2. The total sum to be expended to pay Special Counsel shall not exceed Fifty Thousand Dollars (\$50,000.00), but this amount may be increased by the Council if it is satisfied with the justification made upon the recommendation of the Corporation Counsel for an increase in the stated maximum amount;

3. Special Counsel may be paid monthly for its services, provided that it submits to the Department of the Corporation Counsel an itemized monthly statement reflecting the specific services rendered, together with the total number of hours billed for the specific services at one-tenth of an hour, and the Department of the Corporation Counsel reviews and approves the statements before any payments may be made by the City; and

4. The Director of Budget and Fiscal Services is authorized to execute a contract with the Law Office of Cary T. Tanaka for the legal representation of Joseph Becera in the above-referenced matter; and

BE IT FINALLY RESOLVED by the Council that the Clerk be and is hereby directed to transmit copies of this Resolution to the Department of the Corporation Counsel and the Law Office of Cary T. Tanaka, 700 Bishop Street, Suite 1010, Honolulu, Hawaii 96813.

INTRODUCED BY:

  
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DATE OF INTRODUCTION:

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**MAY 25 2017**

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Honolulu, Hawaii

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Councilmembers

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

**RESOLUTION 17-160**

Introduced: 05/25/17 By: RON MENOR – BY REQUEST Committee: EXECUTIVE MATTERS  
AND LEGAL AFFAIRS

Title: RESOLUTION TO RETAIN THE SERVICES OF THE LAW OFFICE OF CARY T. TANAKA AS SPECIAL  
COUNSEL TO REPRESENT JOSEPH BECERA IN A LEGAL ACTION ENTITLED FRANCISCO FRANSON AND  
JORDON TOPINIO V. CITY AND COUNTY OF HONOLULU, ET AL., CIVIL NO. CV16-00096 DKW-KSC.

Voting Legend: \* = Aye w/Reservations

05/23/17	EXECUTIVE MATTERS AND LEGAL AFFAIRS (EXECUTIVE SESSION)	CR-218 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.
06/07/17	COUNCIL	CR-218 AND RESOLUTION 17-160 WERE ADOPTED. 7 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA. 1 NO: ANDERSON. 1 ABSENT: PINE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

  
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GLEN T. TAKAHASHI, CITY CLERK

  
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RON MENOR, CHAIR AND PRESIDING OFFICER